



General Assembly

January Session, 2013

Amendment

LCO No. 7353

SB0034907353SD0

Offered by:
SEN. LOONEY, 11th Dist.

To: Subst. Senate Bill No. 349

File No. 333

Cal. No. 262

"AN ACT CONCERNING EMPLOYMENT AGENCIES AND WRITTEN JOB ORDERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-129 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 As used in this chapter:

6 [(a)] (1) "Person" includes persons or a company, society,
7 association, limited liability company or corporation;

8 [(b)] (2) "Employment agency" includes the business of procuring or
9 offering to procure work or employment for persons seeking
10 employment, or acting as agent for procuring such work or
11 employment where a fee or other valuable thing is exacted, charged or
12 received for procuring or assisting to procure employment, work or a
13 situation of any kind or for procuring or providing help for any

14 person;

15 [(c)] (3) "To accept or obtain employment, work or a situation"
16 means to enter upon the duties of that employment, work or situation,
17 with resulting remuneration for the same;

18 [(d)] (4) "Emigrant agent" means any person who, on behalf of an
19 employment agency and for a fee, procures or attempts to procure
20 domestic or household employment in Connecticut for persons outside
21 the state seeking such employment, or domestic or household
22 employees from outside the state for employers in the state seeking the
23 services of such employees;

24 [(e)] (5) "Temporary help service" means any person conducting a
25 business which consists of employing individuals directly for the
26 purpose of furnishing for a fee part-time or temporary help to [others]
27 any person.

28 Sec. 2. Subsection (c) of section 31-130 of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective*
30 *October 1, 2013*):

31 (c) The provisions of this chapter shall not apply (1) to any
32 temporary help service, to any nonprofit registry conducted by
33 incorporated individual alumni associations or registered nurses or to
34 any registry conducted by a hospital for private duty placement of
35 nurses employed by such hospital, or (2) to any person engaged in the
36 business of procuring or offering to procure employees for persons
37 seeking the services of employees or supplying employees to render
38 services where a fee or other valuable thing is exacted, charged or
39 received from the employer for procuring or assisting to procure or
40 supplying such employees, except as provided in section 31-131a, as
41 amended by this act, and subsection (i) of this section.

42 Sec. 3. Section 31-131a of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2013*):

44 (a) No licensed person shall impose any fee for registration or exact
45 a fee from any applicant except for employment obtained directly
46 through the effort of such agency.

47 (b) No person shall display, on any sign or window or in any
48 publication, the name "The Connecticut Free Public Employment
49 Bureau", or a name similar thereto.

50 (c) No licensed person shall charge any fee except in accordance
51 with the agency's schedule of fees which is on file with the
52 commissioner. Such schedule of fees may be changed by an agency
53 only after fifteen days' notice of submission of rates by registered or
54 certified mail in writing to the commissioner.

55 (d) No owner, officer or employee of an agency shall divide, or offer
56 to divide, directly or indirectly, any fee charged or received with any
57 person who secures workers through such agency, or to whom
58 workers are referred by such agency.

59 (e) No fee may be exacted by the agency from an applicant who has
60 obtained work with an employer to whom he was referred by an
61 agency unless such applicant obtains such work within six calendar
62 months following his last referral to that employer by the agency, or
63 has voluntarily renewed his application immediately prior to
64 expiration of the stated period; but this provision shall not apply to
65 those professional, executive or technical classifications which require
66 for proper performance of the work either extensive experience and
67 education or experience of such scope and character as to require a
68 longer period of exploration for job placement and the applicants for
69 which indicate, upon application, that a fee shall be payable if such
70 applicant obtains work with an employer to whom he was referred by
71 the agency within one year of his last referral to such employer by the
72 agency. Nothing in this section shall be construed as prohibiting the
73 charging by a nurses' registry of a single, annual fee in lieu of a
74 separate charge for each engagement supplied, provided that amount
75 of any fee paid which exceeds ten per cent of the remuneration earned

76 through the services of the registry shall be returned on demand.

77 (f) No licensed person shall send any applicant for employment to a
78 place where a strike or lockout exists without furnishing such
79 applicant with a written statement as to the existence of such strike or
80 lockout, a copy of which, signed by the applicant, shall be kept on file
81 for one year after the date thereof.

82 (g) No such licensed person shall send or cause to be sent any help
83 to a place of bad reputation, house of ill-fame or assignation house or to a
84 house or place of amusement kept for immoral purposes.

85 (h) No such licensed person shall publish or cause to be published
86 any false or fraudulent notice or advertisement or knowingly give any
87 false information concerning the character of the prospective job,
88 length of employment, hours or salary or make any false promise
89 relating to work or employment to anyone who registers for
90 employment.

91 (i) No such licensed person shall make any false entries in the
92 records kept by him.

93 (j) No such licensed person shall publish or cause to be published
94 any notice or advertisement relating to employment which does not
95 include the following identification: The trade name of the agency and
96 the words "FEE PAID" if there is no charge to the applicant for
97 employment; the trade name of the agency, and the words
98 "APPLICANT PAID" if there is a charge to the applicant for
99 employment.

100 (k) Each employment agency and temporary help service shall post
101 in a conspicuous location a poster informing their employees of their
102 right to request:

103 (1) A statement of the applicant's right to workers' compensation
104 benefits and the employer's workers' compensation carrier's name,
105 address and telephone number;

106 (2) A copy of every contract executed between the employment
 107 agency or temporary help service and such applicant;

108 (3) A receipt for every fee paid by such applicant to the employment
 109 agency or temporary help service; and

110 (4) The following information: (A) The name of such agency or
 111 service and the address of its principal location; (B) a description of the
 112 employment relationship between such agency or service and the
 113 applicant; (C) the name, address and telephone number of the
 114 individual to whom the applicant shall report to for such employment
 115 or assignment; (D) the name and address of the employer; (E) the kind
 116 and character of employment or assignment, including, but not limited
 117 to, any requirements for special attire, accessories, safety or health
 118 equipment, or training or licenses; (F) whether the applicant shall
 119 require special training to engage in such employment or assignment;
 120 (G) the rate of wages or compensation, including any benefits, to be
 121 paid for the employment or assignment; (H) the expected duration of
 122 the employment or assignment, including daily starting time,
 123 anticipated end time and anticipated overtime, if any; (I) whether the
 124 agency or service or employer shall provide meals; and (J) whether the
 125 agency or service offers transportation to the worksite of the employer
 126 and the cost of such transportation, if any.

127 Sec. 4. (NEW) (*Effective October 1, 2013*) An employment agency or
 128 temporary help service shall keep an original or duplicate copy of each
 129 contract, receipt for applicant fees or record entered into or generated
 130 pursuant to an applicant's employment or assignment for not less than
 131 three years after the date on which such applicant began his or her
 132 employment or assignment. Such original or duplicate copies shall be
 133 made available for inspection by the Labor Commissioner, or said
 134 commissioner's designee, upon said commissioner's request."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	31-129

Sec. 2	<i>October 1, 2013</i>	31-130(c)
Sec. 3	<i>October 1, 2013</i>	31-131a
Sec. 4	<i>October 1, 2013</i>	New section